

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, NY 11722-4451
(631) 712-5730

BEFORE: **ARLENE R. LINDSAY**
United States Magistrate Judge

DATE: December 15, 2005

TIME: 11:00 A.M.

DOCKET NO:

05-cv-01048-LDW-ARL

CASE:

Chinchilla et al v. Besser et al

INITIAL CONFERENCE **STATUS CONFERENCE** **SETTLEMENT CONFERENCE** **FINAL CONFERENCE** **ORDER** **BY TELEPHONE XX**

APPEARANCES:

FOR PLAINTIFF:

Sameer Ashar

FOR DEFENDANT:

Jim Salvage

Angeline Besser

The following rulings were made: The plaintiffs' motion to amend the complaint to add GDA Construction as a party is granted. The plaintiffs shall serve the defendant Besser Construction by December 23, 2005. Mr. Salvage's motion to be relieved as counsel is denied with leave to renew upon receipt of service of the plaintiffs' amended complaint.

Mr. Salvage's motion will be granted after he notifies the court, in writing, that he has received the amended complaint. In the undersigned's order dated November 22, 2005, and again during today's conference, the court advised the representatives of Besser Roofing that a corporation cannot appear in an action through a pro se representative, only through a lawyer. *See Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991); *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel."). The corporation was warned that if it was unable to obtain new counsel after Mr. Salvage's motion was granted, the undersigned would recommend that its answer be stricken and a default judgment be entered against it. Although Besser Roofing was made aware of the extreme importance of obtaining counsel, the corporation's representative, Mrs. Besser, advised the court that Besser Roofing will not be retaining counsel. Accordingly, when the court enters its order relieving Mr. Salvage, the undersigned will also recommend to District Judge Wexler that Besser Roofing's answer be stricken and a default judgment be entered against it.

The court provided Mrs. Besser with the same warnings concerning GDA Construction. Should GDA fail obtain counsel to represent it, the plaintiff would be able to move for a default judgment and proceed directly to the damages stage of the lawsuit.

The plaintiffs' motion to compel dated December 11, 2005 is denied as moot.

SO ORDERED:

_____/s/_____